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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------------------------------------------|-------------|----------------------|-------------------------------|------------------|
| 10/690,175 | 10/20/2003 | Wyatt T. Riley | 030175 | 3948 |
| 23696 | 7590 | 03/21/2006 | | |
| QUALCOMM, INC 5775 MOREHOUSE DR. SAN DIEGO, CA 92121 | | | EXAMINER ISSING, GREGORY C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3662 | |
| DATE MAILED: 03/21/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,175

Applicant(s)

RILEY ET AL.

Examiner

Gregory C. Issing

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) 11-20, 31-40, 51-60 and 69-78 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 21-30, 41-50 and 61-68 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3662

1. Claims 11-20, 31-40, 51-60 and 69-78 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Jan. 5, 2006.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 21-30, 41-50 and 61-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsunehara et al.
4. The rejection is set forth in a previous Office Action.
5. Applicants argue that Tsunehara et al never determines a first reliability indicator from the signals for a first measurement, representing a level of false alarm probability. Applicants allege that there is never a probability indicator determined in Tsunehara et al.
6. These arguments are not convincing. Firstly, each of 204 and 304 determine a reliability indicator via the fact that each unit represents a determination of reliability, whatever, the output thereof, represents an indication of reliability. Secondly, the position measurement is responsive to the received signals and thus any indication of the reliability of the position measurement is also a an indication of the reliability of the received signals. Moreover, the information used in the determination of the reliability indication is disclosed as representing the number of satellite signals as well as the quality of the received satellite signals see [0023]. The reliability indicator is a direct indicator of whether the position measurement reliable, that is, is it a true or false reading, and thus represents a level of false alarm probability. Thus, the applicants' arguments are not convincing.
7. Claims 1-10, 21-30, 41-50 and 61-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodie.
8. The rejection is set forth in a previous Office Action.
9. Applicants argue that Brodie never determines a first reliability indicator from the signals for a first measurement, representing a level of false alarm probability. Applicants allege that there is never a probability indicator determined in Brodie.

Art Unit: 3662

10. These arguments are not convincing. Firstly, Brodie clearly teaches determination of at least first position determination signals, for example a pseudorange measurement out of a set of measurements, for position determination wherein the signals may be ordered on the basis of fault probability wherein the fault probability is a measure of the satellite elevation or carrier-to-noise density ratio, e.g. Thus each pseudorange signal is associated with a fault probability. Secondly, the pseudorange signals are ordered on the basis of the fault probability associated therewith. In view of the fact that the processing is ordered on the basis of the probability of fault detection, it is inherent that a reliability indicator has been determined.

11. Claims 1-10, 21-30, 41-50 and 61-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Martorana.

12. The rejection is set forth in a previous Office Action.

13. Applicants argue that Martorana never determines a first reliability indicator from the signals for a first measurement, representing a level of false alarm probability. Applicants allege that there is never a probability indicator determined in Martorana.

14. These arguments are not convincing. Firstly, the object of Martorana is to ultimately determine a position measurement from a plurality of ranges determined from received radio signals. Thus, the first step of determining a position measurement from received signals is clearly disclosed (see 1:8-14). Secondly, for each range measurement an accuracy level is determined. An accuracy level is clearly representative of reliability and hence ultimately a level of a false alarm probability since the use/discard of inaccurate range measurements provides an increased level of a true signal and consequently a level of false alarm probability. The fact that range measurements are discarded as well as associated with an accuracy level means that a reliability indicator has been determined for each range measurement. If the signal were discarded, a high probability of a false alarm is indicated whereas a set of range measurements associated with high accuracy is clearly indicative of a result having low probability of false alarm.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3662

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (571)-272-6973. The examiner can normally be reached on Monday - Thursday 6:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (571)-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory C. Issing
Primary Examiner
Art Unit 3662

gci